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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,) Case No. CR 18-0040 JST
15 v.) STIPULATION AND ~~PROPOSED~~ ORDER
16 WALLACE LEE GILMORE,) EXCLUDING TIME FROM FEBRUARY 23, 2018,
17 Defendant.) THROUGH MARCH 9, 2018
18 _____)

19 Plaintiff United States of America and defendant Wallace Lee Gilmore, by and through their
20 respective counsel of record, hereby stipulate as follows:

21 1. On February 23, 2018, the parties appeared before the Honorable Jon S. Tigar for the first
22 District Court appearance in this case. The parties reported to the Court that the government has
23 provided discovery in this case at that hearing. Therefore, the parties asked the Court to schedule a
24 second status conference on March 9, 2018, to provide the defense with time to review the discovery
25 and discuss the case going forward.

26 2. Pursuant to the request of the parties, the Court set the matter for a status conference to
27 occur on March 9, 2018, at 9:30 a.m.

28 3. At the hearing on February 23, 2018, the parties jointly stipulated to exclude the time

STIPULATION AND ~~PROPOSED~~ ORDER
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1 from February 23, 2018, through March 9, 2018, from the time in which the defendant must be brought
2 to trial pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* As mentioned above, the government
3 produced discovery in this case on February 23, 2018, and the defense needs time to review the
4 discovery and discuss the case. Therefore, the parties agree that the time period from February 23,
5 2018, through March 9, 2018, inclusive, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and
6 (h)(7)(B)(iv) on the basis that the ends of justice served by the continuance outweigh the best interests of
7 the public and defendant in a speedy trial, and failing to exclude this time would deny counsel the
8 reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

9 IT IS SO STIPULATED.

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11 Dated: February 23, 2018

ALEX G. TSE
Acting United States Attorney

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14 /s/
15 WILLIAM J. GULLOTTA
16 Dated: February 23, 2018
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JOYCE LEAVITT
Attorney for Defendant Wallace Gilmore

ORDER

2 Based upon the representations of counsel and for good cause shown, the Court finds that failing
3 to exclude the time from February 23, 2018, through March 9, 2018, would deny counsel the reasonable
4 time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
5 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from
6 February 23, 2018, through March 9, 2018, from computation under the Speedy Trial Act outweigh the
7 best interests of the public and the defendant in a speedy trial. Therefore, **IT IS HEREBY ORDERED**
8 that the matter is set before this Court on March 9, 2018, at 9:30 a.m. for a status conference, and that
9 the time from February 23, 2018, through March 9, 2018, shall be excluded from computation under the
10 Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

13 | DATED: February 27, 2018

